



RCE/1615 \$

PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/719,142
Filing Date	December 8, 2000
First Named Inventor	Bernard Charles Sherman
Art Unit	1615
Examiner Name	James M. Spear
Attorney Docket Number	PT-1877000

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
  - i. ☒ Consider the arguments in the Appeal Brief or Rely Brief previously filed on June 18, 2003
  - ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☒ Amendment/Reply
  - ii. ☒ Affidavit(s)/ Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **08-3255 for any additional fees required**
- a. ☒
    - i. ☐ RCE fee required under 37 CFR 1.17(e)
    - ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
    - iii. ☐ Other \_\_\_\_\_
  - b. ☒ Check in the amount of \$ **1720.00 USD** enclosed
  - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	NEIL H. HUGHES, P. ENG.	Registration No. (Attorney/Agent)	33,636
Signature		Date	November 13, 2003

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)			
Signature		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

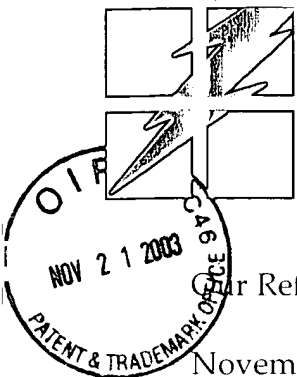
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Our Ref: PT-1877000

November 13, 2003

**VIA COURIER**

Assistant Commissioner for Patents  
UNITED STATES PATENT OFFICE  
**Box RCE**  
Washington, DC 20231

Dear Sir:

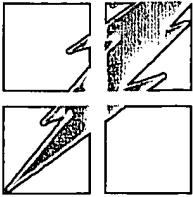
Re: Request for Continued Examination  
Application Serial No. 09/719,142, filed on December 8, 2000  
of Bernard Charles Sherman  
for PHARMACEUTICAL TABLETS COMPRISING AN NSAID AND A  
PROSTAGLANDIN  
Examiner: James M. Spear      Group Art Unit: 1615  
**Due Date: November 18, 2003**  
**CUSTOMER NO. 23607**

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Please find enclosed herewith the following:

1. Request for Continued Examination (RCE) Transmittal of United States Application Serial No. 09/719,142 under 37 C.F.R. §1.114;
2. Submission: Response to the Advisory Action dated October 30, 2003 finally rejecting claims 1-11 as a Preliminary Amendment for a Continued Examination (RCE);
3. Three Month Extension of Time and the prescribed fee for a large entity;
4. Cheque in the amount of **\$1,720.00 USD** in payment of:
  - \$770.00 USD for the filing fee for the Request for Continued Examination (RCE) for a large entity; and
  - \$950.00 USD for the filing fee for the Three Month Extension of Time for a large entity;



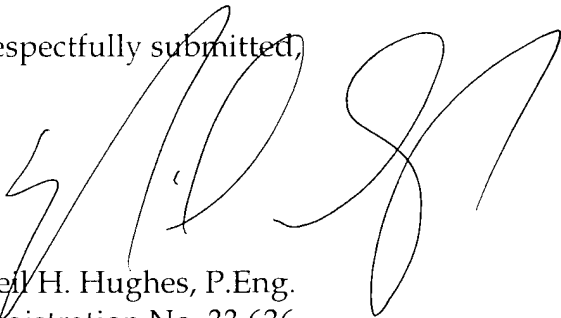
5. Notarial Copy of Declarations of Dr. Michael Lipp dated November 12, 2003;

5. Also enclosed herewith is a stamped, self-addressed verification card which we request that you kindly acknowledge and return to this office at the earliest opportunity.

Should there occur an overpayment or an underpayment of the above-identified fees in respect of this submission, the Commissioner is authorized to access Deposit Account Number 08-3255 to make the appropriate adjustments and advise Applicant's agent;

We thank the Patent Office for its cooperation in this regard and look forward to receiving filing data in this matter.

Respectfully submitted,



Neil H. Hughes, P.Eng.  
Registration No. 33,636  
Agent for Applicant

NHH:jlh  
Enclosures